

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SARA THIELWISEMILLER,

Plaintiff,

v.

FREDDIE EDER, et al.,

Defendants.

Case No. 3:14-cv-00064-MMD-VPC

ORDER ACCEPTING AND ADOPTING IN
PART REPORT AND
RECOMMENDATION OF MAGISTRATE
JUDGE WILLIAM G. COBB

Before this Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb ("R&R") entered on June 23, 2104. (Dkt. no. 31.) Plaintiff had until July 10, 2014, to object to the R&R. No objection was filed.


This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any issue that is not the subject of an

1 objection.”). Thus, if there is no objection to a magistrate judge’s recommendation, then
2 the court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F.
3 Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation to
4 which no objection was filed).

5 Nevertheless, this Court has conducted a *de novo* review of the record in this
6 case and determines that the R&R of the Magistrate Judge should be accepted and
7 adopted in part. The Court accepts and adopts the R&R regarding dismissal of this case
8 but determines it should be dismissed without prejudice.

9 It is therefore ordered that this case is dismissed without prejudice. The Clerk is
10 directed to close this case.

11 DATED THIS 30th day of October 2014.

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14 MIRANDA M. DU
15 UNITED STATES DISTRICT JUDGE
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